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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,264	12/14/2000	Vijay Kumar Garikipati	758.1101US01	1923

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EXAMINER

RENNER, CRAIG A

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 09/08/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/737,264

Applicant(s)

GARIKIPATI ET AL.

Examiner

Craig A. Renner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 11-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 & 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Election/Restrictions

1. Applicant's election without traverse of "Group I (claims 1-10)" in Paper No. 9, filed 24 June 2003, is acknowledged. Accordingly, claims 11-13 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

2. Claims 14-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 7, filed 23 April 2003.

Oath/Declaration

3. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because non-initialed and/or non-dated alterations have been made to the oath or declaration. See 37 CFR 1.52(c).

Drawings

4. The drawings were received on 30 April 2001. These drawings are acceptable.

Specification

5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

6. The disclosure is objected to because of the following informality:

In line 4 of claim 2, the semicolon should be changed to a period for better clarity. Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Azarian et al. (US 6,238,467).

Azarian teaches a filter construction (FIG. 5, for instance) comprising a housing (43); a first filter portion (42) in the housing, the first filter portion configured and arranged for positioning in an incoming air stream to provide a path (includes 46 and 52) for flow of air into a disk drive enclosure, the incoming

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air stream entering the disk drive enclosure through a port (lines 10-20 in column 7, for instance); and a second filter portion (41) in the housing, the second filter portion configured and arranged for positioning in an air current to provide a path for flow of air within the disk drive enclosure (lines 43-45 in column 13, for instance) [as per claim 1]; wherein the first filter portion comprises a particulate filter and an adsorbent filter (lines 48-52 in column 13, for instance) [as per claim 2]; wherein the first filter portion comprises a diffusion channel (46) [as per claim 3]; wherein the diffusion channel comprises a plastic piece defining a channel (lines 2-5 in column 23, for instance) [as per claim 4]; wherein the channel is positioned against a surface of the disk drive enclosure (lines 4-6 in column 23, for instance) [as per claim 5]; wherein at least a portion of the diffusion channel is defined by the housing (as shown in FIG. 5, for instance) [as per claim 6]; and wherein the adsorbent filter comprises an adsorbent material selected from the group consisting of activated carbon, impregnated carbon, activated alumina, molecular sieves, silica gel, silica, and combinations thereof (lines 23-28 in column 8, for instance) [as per claim 7].

9. Claims 1 and 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Dauber (US 6,395,073).

Dauber teaches a filter construction (FIG. 1, for instance) comprising a housing (15); a first filter portion (12) in the housing, the first filter portion configured and arranged for positioning in an incoming air stream (16) to provide a path for flow of air into a disk drive enclosure (15), the incoming air stream

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entering the disk drive enclosure through a port (11); and a second filter portion (7) in the housing, the second filter portion configured and arranged for positioning in an air current (17) to provide a path for flow of air within the disk drive enclosure [as per claim 1]; wherein the second filter portion comprises an adsorbent filter (lines 31-34 in column 7, for instance) having a low pressure drop across the adsorbent filter (i.e., when compared with a adsorbent filter having a higher pressure drop) [as per claim 8]; wherein the adsorbent filter comprises an adsorbent material selected from the group consisting of activated carbon, impregnated carbon, activated alumina, molecular sieves, silica gel, silica, and combinations thereof (lines 48-56 in column 11, for instance) [as per claim 9]; and wherein the second filter portion comprises a recirculation filter (lines 25-26 in column 7, for instance) [as per claim 10].

Claim Rejections - 35 USC § 103

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Pertinent Prior Art

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This includes Ino et al. (US 5,590,001), Beck et al. (US

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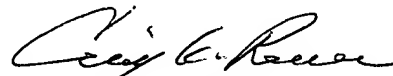
5,754,365), Voights (US 6,208,484), Voights (US 6,266,208), Gidumal (US 6,296,691), Graeve (US 6,475,270), and Tuma (US 2002/0089781), which each individually teaches a disk drive filter construction comprising first and second filter portions.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig A. Renner whose telephone number is (703) 308-0559. The examiner can normally be reached on Tuesday-Friday 7:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Craig A. Renner
Primary Examiner
Art Unit 2652

CAR